

MINUTES
North Newton City Council – Regular Meeting
June 13, 2011 – 7:00 P.M.
North Newton City Hall

1. Call to Order

Mayor Braun called the meeting to order. Those present and constituting a quorum were:

COUNCIL: Ron Ratzlaff, Bill Hake, Jim Goering, Paul Harder

ABSENT: Gregg Dick

STAFF: John Torline, Sher Klassen Neufeld, Cindy Hiebert, Ray Classen, Danny Bisoni, Greg Nye

OTHERS: Dale Clark, Ray Penner, Steve Lang, Gwen Neufeld, Kurt Friesen, Byron Warta, Mickey Dean, Dennis LeFevre, Loni Lindemann, Sandi Fruit, Wade Brubacher, Mark Jenkins, Adam Buller, Mark Koester, AJ Neufeld, Butch Schmidt, David Stucky, Don Janzen, Doug Dolan

2. Minutes of Previous Meeting

Minutes of the May 9, 2011, regular meeting were presented.

MOTION: Goering moved, Hake seconded, to approve the May 9, 2011, minutes as presented. Motion carried unanimously.

3. Citizen Comments

Attorney David Stucky, representing Gwen Neufeld and Kurt Friesen, Gwen Neufeld and Kurt Friesen spoke of their opposition to the consideration of a cell phone tower installation in North Newton and asked Council to consider a moratorium on building permits for cell phone tower installation until regulations for safety, aesthetics, and height be put into place. Doug Dolan, agent for Verizon, and Mark Jenkins spoke in favor of a cell phone tower located in North Newton. There was no motion to place said issue as a non-agenda item. When asked, City Attorney Nye noted that the issue of a moratorium had not been published as an agenda item and that he would like to have the opportunity to review issues that might be involved in issuing a moratorium on cell tower permits, if the Council is so inclined. No action was taken.

4. Consider the Mayor's Appointment to an Unexpired Term on the Newton/North Newton Preservation Commission

Mayor Braun recommended the appointment of Dalene S. White to fill a three-year term expiring September 2014 currently held by Keith Sprunger on the Newton/North Newton Historic Preservation Commission and Brad Burch to a second term on the Park and Recreation Committee.

MOTION: Hake moved, Ratzlaff seconded, to appoint Dalene S. White to fill a three-year term beginning September 2011 expiring September 2014 currently held by Keith Sprunger on the Newton/North Newton Historic Preservation Commission. Motion carried unanimously.

MOTION: Ratzlaff moved, Harder seconded, to appoint Brad Burch to a second term on the Park and Recreation Committee expiring June 2014. Motion carried unanimously.

5. Receive Representatives of the Harvey County Economic Development Council for a Review of 2011 Activities and a 2012 Budget Request

Mickey Dean and Dennis LeFevre reviewed the past year's EDC activities, successes and present the request for the City of North Newton's annual share to the EDC for 2012. They proposed an increase of 20% (\$1,411) from \$7,057 to \$8,468.

MOTION: Hake moved, Harder seconded, to approve for consideration a 20% increase of the North Newton annual share to the Harvey County Economic Development Council for the 2012 budget in the amount of \$8,468. Motion carried unanimously.

6. Receive Sandi Fruit, Executive Director of the Central Kansas Community Foundation for Discussion of the Creation of a North Newton Endowment

Sandi Fruit, Executive Director of the Central Kansas Community Foundation, spoke about the benefits of the city having an endowment fund, how to establish such a fund and the assistance CKCF can give the city to start an endowment. Council recommended to staff to include "seed" money in the 2012 budget for start up funds for an endowment.

7. Consider the Recommendation of the Newton/North Newton Planning Commission to Rezone a Tract of Ground on West 22nd Street from R-1, Single Family Residential, to C-2, General Commercial District

Nye reviewed the staff report and read it to the Council also reviewing the staff recommendations and the recommendation from the Newton/North Newton Planning Commission. An aerial map of surrounding zoning was presented and reviewed as it related to nearby residential zoning and height restrictions in commercial zoning. He also noted that screening is required if a commercial zone abuts a residential zone. Various possible uses that could be allowed in a commercial zone if other zoning ordinance requirements were in compliance were discussed. Nye noted that the minimum 15-day period between the Planning Commission decision and the North Newton hearing was met, the protest of 20% of the surrounding home owners was received, and that a ¾ vote of the members of the Council and Mayor is required in order to approve said recommendations. Because our Council members were absent, approval of the Planning Commission's recommendations will require a unanimous vote of member of the Council present in order to pass.

Mayor Braun opened the public hearing at 8:20 p.m. Citizens Mark Jenkins, Butch Schmidt and Mark Koester spoke in favor of the rezoning. Citizens Don Janzen, Loni Lindemann, Adam Buller, Wade Brubacher, Gwen Neufeld, Kurt Friesen and David Stucky, attorney representing Neufeld and Friesen, spoke against the rezoning and showed a PowerPoint presenting their case. Comments were made as to residential zoning of surrounding property and the possible effects of a rezoning. Comments were also made of a cell tower on said property and other uses that commercial zoning would allow. Questions of current non-compliance of the present use of said land were raised and discussed. The Council noted that a previous application to rezone the same property was considered by the Planning Commission with recommendations, but that said application was withdrawn prior to any action by the City Council.

Doug Dolan with Dolan Realty Advisors, representing Verizon, responded to concerns of the citizens relating to construction of a cell phone tower after zoning is changed.

There were no further comments either for or against; therefore, Mayor Braun closed the public hearing at 9:15 p.m.

Mayor Braun gave Council members time to ask questions and express concerns. He asked each Council member his position concerning the Planning Commission's recommendations and adoption of the zoning ordinance. Hake, Harder, Goering, Ratzlaff and Mayor Braun all expressed that they would approve the adoption of the recommendations and ordinance based upon the information provided at the public hearing including the location of the property to be rezoned relative to other zoned property in the area and the location of the property relative to the railroad and the nature of the neighborhood, upon the Newton/North Newton Planning Commission and Staff recommendations and criteria referred to in the Staff Report and other information provided by staff and that the criteria discussed in the Staff Report are clearly met.

MOTION: Hake moved, Harder seconded, to approve the Newton/North Newton Planning Commission recommendation to rezone said land from Residential to General Commercial and to adopt Ordinance 556-11 which rezones a tract of ground on West 22nd Street from R-1, Single Family Residential, to C-2, General Commercial District. Motion carried unanimously. Mayor Braun directed Nye to prepare Findings of Fact that follow the discussion and statements of the Council, to be approved at the next Council meeting.

8. Receive Dale Clark of Knudsen, Monroe and Company for a Review of the City's 2010 Financial Statements. Consider a Resolution Exempting the City of North Newton from Generally Accepted Accounting Principles (GAAP)

Dale Clark with Knudsen, Monroe and Company reviewed steps taken in performing its review of the City's records and explained information contained in the audit report. He stated that there were no budget violations and no violations of cash basis accounting laws and Clark explained the governance letter and management letter associated with the 2010 audit. Clark advised Council to pass a resolution waiving fixed asset accounting, as has been the practice in the past, stating that this waiver saves the City the expense of tracking, reporting and auditing fixed assets. Clark offered to answer questions of staff and Council at any time throughout the year as the need arises. Clark also offered one free hour of consultation with staff to review the 2012 budget before publication.

MOTION: Harder moved, Goering seconded, to accept the 2010 audit as presented by Dale Clark with Knudsen Monroe and Company. Motion carried unanimously.

MOTION: Ratzlaff moved, Hake seconded, to adopt Resolution 325-11 to exempt the City of North Newton from Generally Accepted Accounting Principles for the year 2011. Motion carried unanimously.

9. Consider an Ordinance Establishing Water Rates

MOTION: Goering moved, Ratzlaff seconded, to approve Ordinance 555-11 establishing water rates to be effective upon publication. Motion carried unanimously.

10. Conduct a 2012 Budget Work Session

Torline stated General Fund will show increase for EDC in 2012 and will also show salary savings in 2012 but will be problematic due to possible increase in Fire/EMS fee. Capital Improvement Fund will take a hit in 2012 with expenses of signage, engineering and land acquisition for new wells and street work scheduled for 2012. He recommended leaving intangibles tax as is for the 2012

establish a North Newton Endowment and include \$4,000 for a housing incentive program for 2012.

11. Reports

a. Mayor/Council. Mayor Braun reported, in his absence, Council member Hake will report about North Newton at the June and July Chamber breakfasts. He will not be at the July Council meeting, therefore, Council President Ratzlaff will convene and chair the meeting.

b. Staff Update. Torline reported that the Joint North Newton/Sand Creek Trail Committee Watermelon Social will be Tuesday, August 16, with a rain date set for August 18. He reported that there are three well sites that look good and test drilling will begin soon. Bioni reported that the city is renting a Poli-Patch machine and it will be used to correct dips in the streets. It is rented for 2-3 days at \$200 per day. One pallet of material from PMSI will be used. He also reported that next year there will be extensive slurry sealing done which will include all of the west side of town. Classen reported that the doctor has taken him off light duty and he reviewed June court cases in his report.

c. Clerk/Treasurer. Neufeld presented June accounts payable for consideration in the amount of \$58,830.42 and May gross payroll and miscellaneous checks in the amount of \$76,383.60.

MOTION: Hake moved, Harder seconded, to approve accounts payable and payroll/miscellaneous checks as presented. Motion carried unanimously.

12. Non-Agenda Items

None presented.

13. Consider Recessing into Executive Session to Discuss Personnel Issues

MOTION: At 10:51 p.m. Ratzlaff moved, Hake seconded, to recess into Executive Session until 10:56 p.m. for the purpose of discussing personnel matters of non-elected officials. Mr. Nye and Mr. Torline were requested to attend. Motion carried unanimously.

At 10:56 p.m. the regular meeting reconvened. Mayor Braun announced that no action was taken nor decisions made during the Executive Session.

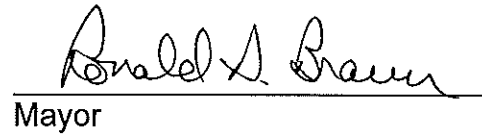
MOTION: Goering moved, Ratzlaff seconded, to approve the resignation of City Administration John Torline effective June 30, 2011. Motion carried unanimously.

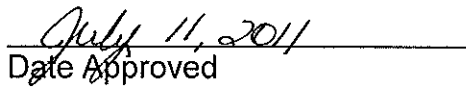
MOTION: Hake moved, Harder seconded, to approve the Memorandum of Understanding making City Clerk Sher Klassen Neufeld Interim City Administrator effective July 1, 2011. Motion carried unanimously.

14. Adjournment

MOTION: There being no other business Goering moved, Ratzlaff seconded, to adjourn the meeting at 11:00 p.m. Motion carried unanimously.


City Clerk


Mayor


Date Approved